

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

Master File No. 1:00-1898

MDL No. 1358 (SAS)

M21-88

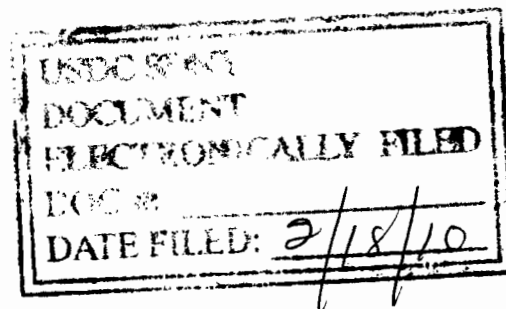
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This Document Relates To:

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*Emerald Coast Utilities Authority (f/k/a)
Escambia County Utilities Authority, Case No.
04-CV-1722*

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~~PROPOSED~~ ORDER GRANTING MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)

The Court, having considered Plaintiff Emerald Coast Utilities Authority (f/k/a)

Escambia County Utilities Authority and Defendant Central Florida Pipeline Corporation's Joint

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 3006

Motion for Voluntary Dismissal Without Prejudice pursuant to Rule 41(a)(2) of the Federal

Rules of Civil Procedure, it hereby grants the motion and dismisses without prejudice Plaintiff's

action as to Defendant Central Florida Pipeline Corporation, with each party to bear its own

costs.

DATED: Feb 18, 2010

HON. SHIRA A. SCHEINDLIN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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("MTBE") Products Liability Litigation**

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**PLAINTIFF AND DEFENDANT CENTRAL FLORIDA
PIPELINE CORPORATION'S JOINT MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Plaintiff Emerald Coast Utilities Authority (f/k/a) Escambia County Utilities Authority ("Plaintiff") owns and operates a public drinking water system(s) that supplies water to residential and business users within its service areas. Plaintiff alleges that its water supplies are impacted and/or threatened by MTBE contamination. Because this matter is not a "focus case", minimal discovery or other work has been conducted in this matter.

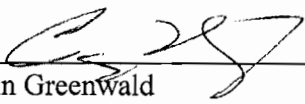
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and Defendant Central Florida Pipeline Corporation now jointly move for dismissal without prejudice. Plaintiff has decided not to pursue its MTBE claims against Central Florida Pipeline Corporation at this time. Plaintiff and Central Florida Pipeline Corporation have agreed that Plaintiff may refile MTBE claims against Central Florida Pipeline Corporation in the event that Plaintiff, upon receipt of further information, determines the MTBE claims against Central Florida Pipeline

Corporation are meritorious. Plaintiff and Central Florida Pipeline Corporation ask the court to dismiss Plaintiff's MTBE claims against Central Florida Pipeline Corporation without prejudice, with each party to bear its own costs. Plaintiff and Central Florida Pipeline Corporation agree that this request is reasonable and prejudices neither Plaintiff nor Central Florida Pipeline Corporation.

DATED: February 9, 2010.

Respectfully submitted,

by:


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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF AND DEFENDANT CENTRAL FLORIDA PIPELINE CORPORATION'S JOINT MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)** was electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record. I also certify that a copy of the same was also served on all counsel of record by posting it directly to LexisNexis File & Serve on February 9, 2010.


Cary McDougal